REMARKS

1.   In response to the Office Action mailed August 2, 2007, Applicants respectfully request reconsideration.   Claims 1-37 were originally presented for examination.   In the outstanding Office Action, all claims were rejected.   By the foregoing Amendments, claims 1, 5, 13-16, 20, 28-32 and 35 have been amended and claims 4, 19 and 34 have been cancelled.   No claims have been added.   Thus, upon entry of this paper, claims 1-3, 5-18, 20-33 and 35-37 will remain pending in this application.   Of these thirty four (34) claims, four claims (claims 1, 16, 31 and 32) are independent.

2.   Based upon the following Remarks, Applicants respectfully request that all outstanding objections and rejections, be reconsidered, and that they be withdrawn.

Art of Record

3.   Applicants acknowledge receipt of form PTO-892 listing additional references identified by the Examiner.

4.   Applicants thank the Examiner for returning form PTO/SB/08a filed by Applicants on January 28, 2005, which has been initialed by the Examiner indicating that the Examiner has considered the references cited therein.

Drawings

5.   Applicants thank the Examiner for indicating that the drawings filed on July 31, 2003 have been accepted by the Examiner.

Apparent Error and Applicants' Approach Thereto

6.   In the Office Action, the Examiner indicated that claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,487,463 to Stepp (hereinafter, "Stepp").   However, in the rejections of dependent claims 2-15, 17-30 and 33-37, the Examiner asserts that "Blistine" teaches the elements of the dependent claims.

7.   After reviewing the Office Action and applied references, Applicants have concluded that the Examiner mistakenly referred to "Blistine" rather than "Stepp" because the references in the Office Action to Blistine are found in Stepp instead.   Accordingly,

Applicants have prepared this Response with the understanding that the Examiner intended to reject dependent claims 2-15, 17-30 and 33-37 based on Stepp rather than Blistine.

8.   As set forth in the Manual of Patent Examining Procedure (MPEP) § 710.06, "where the citation of a reference is incorrect or an Office Action contains some other error that affects Applicants' ability to reply to the Office Action" the Examiner must correct the mistake and set a new period for reply from the date the mistake is corrected. (*See*, MPEP, § 710.06.) If Applicants are mistaken in the above assertion, and the Examiner actually meant to refer to "Blistine" or some other reference, Applicants respectfully request that the Examiner correct the errors and reissue the Office Action in accordance with the MPEP. (*See*, MPEP §710.06.) Applicants further request that the Examiner set a new period for reply from the date the Office Action is corrected. (*See*, MPEP §710.06.)

Claim rejections

9.   As explained, Applicants are operating under the assumption that the Examiner has rejected all claims under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,487,463 to Stepp (hereinafter, "Stepp"). Based on the above Amendments and following Remarks, Applicants respectfully request that these rejections be reconsidered, and that they be withdrawn.

10.   Stepp is directed to an electronic device that uses a plurality of temperature responsive fans to cool the device. (*See*, Stepp, col. 1, line 66- col. 2, line 18.) The electronic device of Stepp is divided into a plurality of regions with each region including a "temperature sensor" and a "temperature regulating device." (*See*, Stepp, col. 1, line 66- col. 2, line 18.) The "temperature sensor is positioned in each region to sense the temperature of that region" and the "temperature regulating device is operable at variable rates to adjust the amount of cooling provided to components in the region." (*See*, Stepp, col. 1, line 66- col. 2, line 18.) A controller monitors the temperature of a region via the temperature sensor, and the controller varies the cooling provided by the temperature regulating device based on the sensed temperature. (*See*, Stepp, col. 1, line 66- col. 2, line 18.) Stepp is **entirely** directed to the control of the temperature regulating devices based upon the temperature of the region, and completely fails to disclose any other basis, other than the present temperature, for varying the cooling provided by the temperature regulating devices.

11.   Applicants respectfully assert that the temperature responsive controller and resulting system of Stepp fails to teach or suggest all elements of Applicants' claim 1. Specifically, such a system as described in Stepp fails to teach or suggest "a fan manager communicating with each component to determine an operating parameter of each component and generating control signals to independently control each cooling fan based on the determined operating parameter for each component, wherein one or more of the heat dissipating components comprise processors, and wherein the determined operating parameter... includes at least one selected from a group consisting of an identification of an operating instruction to be processed in the future by the processor and an identification of whether an instruction to be processed by the processor is a high power consuming instruction" as recited in claim 1. (Emphasis added.) As noted above, the electronic device of Stepp is limited to controlling the amount of cooling provided to a region based on the present temperature of the region. Because Stepp fails to disclose any other basis for varying the amount of cooling provided to a region, let alone based upon a parameter "selected from a group consisting of an identification of an operating instruction to be processed in the future by the processor and an identification of whether an instruction to be processed by the processor is a high power consuming instruction," Applicants assert that Stepp fails to teach all elements of Applicants' claim 1. As such, Applicants respectfully request that the rejection of claim 1 as anticipated by Stepp be reconsidered, and that it be withdrawn.

12.   Applicants further assert that the temperature responsive controller and system of Stepp fails to teach or suggest all elements of Applicants' claim 16. Specifically, such a system as described in Stepp fails to teach or suggest "generating by the fan manager of control signals to independently control each cooling fan based on the operating parameter of the heat dissipating component that is operatively connected to that fan, wherein one or more of the heat dissipating components comprise processors, and wherein the determined operating parameter... includes at least one selected from a group consisting of an identification of an operating instruction to be processed in the future by the processor and an identification of whether an instruction to be processed by the processor is a high power consuming instruction" as recited in claim 1. (Emphasis added.) As noted above, the electronic device of Stepp is totally limited to controlling the amount of cooling provided to a region based on the present temperature of the region. Because Stepp fails to disclose any other basis for varying the amount of cooling provided to a region, let alone based upon a parameter "selected from a group consisting of an identification of an operating instruction to

be processed in the future by the processor and an identification of whether an instruction to be processed by the processor is a high power consuming instruction," Applicants assert that Stepp fails to teach all elements of Applicants' claim 16. As such, Applicants respectfully request that the rejection of claim 16 as anticipated by Stepp be reconsidered, and that it be withdrawn.

13.   Applicants respectfully assert that the temperature responsive controller and system of Stepp fails to teach or suggest all elements of Applicants' claim 31. Specifically, such a system as described in Stepp fails to teach or suggest "a controller generating control signals to independently control each cooling fan based on the determined operating parameter of the component operatively connected to that fan, wherein one or more of the heat dissipating components comprise processors, and wherein the determined operating parameter... includes at least one selected from a group consisting of an identification of an operating instruction to be processed in the future by the processor and an identification of whether an instruction to be processed by the processor is a high power consuming instruction" as recited in claim 31. (Emphasis added.) As noted above, the electronic device of Stepp is totally limited to controlling the amount of cooling provided to a region based on the present temperature of the region. Because Stepp fails to disclose any other basis for varying the amount of cooling provided to a region, let alone based upon a parameter "selected from a group consisting of an identification of an operating instruction to be processed in the future by the processor and an identification of whether an instruction to be processed by the processor is a high power consuming instruction," Applicants assert that Stepp fails to teach all elements of Applicants' claim 31. As such, Applicants respectfully request that the rejection of claim 31 as anticipated by Stepp be reconsidered, and that it be withdrawn.

14.   Applicants respectfully assert that the temperature responsive controller and system of Stepp fails to teach or suggest all elements of Applicants' claim 32. Specifically, such a system as described in Stepp fails to teach or suggest "a fan manager determining an operating parameter indicative of the heat dissipated by the heat dissipating component, calculating a control signal indicative of the desired speed of the fan based upon the value of the operating parameter, and communicating the control signal to the fan to control its speed, and wherein one or more of the heat dissipating components comprise processors, and wherein the determined operating parameter... includes at least one selected from a group consisting of an identification of an operating instruction to be processed in the future by the processor and an identification of whether an instruction to be processed by the processor is a

high power consuming instruction" as recited in claim 32. (Emphasis added.) As noted above, the electronic device of Stepp is totally limited to controlling the amount of cooling provided to a region based on the present temperature of the region. Because Stepp fails to disclose any other basis for varying the amount of cooling provided to a region, let alone based upon a parameter "selected from a group consisting of an identification of an operating instruction to be processed in the future by the processor and an identification of whether an instruction to be processed by the processor is a high power consuming instruction," Applicants assert that Stepp fails to teach all elements of Applicants' claim 32. As such, Applicants respectfully request that the rejection of claim 32 as anticipated by Stepp be reconsidered, and that it be withdrawn.

Dependent claims

15.   The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them *a fortiori* independently patentable over the art of record. Accordingly, Applicants respectfully request that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

Conclusion

16.   In view of the foregoing, Applicants respectfully submit that this application is now in condition for allowance. A notice to his effect is respectfully requested.

17.   Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application. Thus, cancellations and amendments of above claims, are not to be construed as an admission regarding the patentability of any claims.

Dated: November 2, 2007   Respectfully submitted,

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